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**Programming and Allocations Section Committee
July 8, 2009
Minutes**

Chair Kinsey called the meeting to order at approximately 11:10 a.m. Committee members present were: Commissioners Bates, Daly, Dodd, and Glover. Other Commissioners present were: Chu, Giacopini, Haggerty, Halsted, Lempert, Mackenzie, Rubin, Tissier, Worth, and Yeager.

Consent Calendar

The Committee approved the following consent items:

- Minutes of June 10, 2009 meeting.
- Quarterly Report of Executive Director's Delegated Authority Actions.
- Revision to FY 2008-09 Fund Estimate. MTC Resolution No. 3845, Revised.
- FTA Section 5310 Elderly and Disabled Specialized Transit Program FY 2008-09 Regional Priorities. MTC Resolution No. 3919.
- Programming of FY 2009-10 5% State Unrestricted Funds and 2% Bridge Toll Revenues. MTC Resolution No. 3920.
- 2009 Transportation Improvement Program (TIP) Amendment 2009-22. MTC Resolution No. 3875, Revised.
- FY 2008-09 State Transit Assistance (STA) Regional Discretionary Program. MTC Resolution No. 3858, Revised.
- Proposed allocation of approximately \$74.6 million in RM2 Capital funds. MTC Resolution Nos. 3653, Revised; 3730, Revised, and 3739, Revised.
- Proposed rescission of approximately \$29 million in RM2 funds and \$20 million in RM1 funds from the BART Extension to Warm Springs subway box element. MTC Resolution Nos. 3667, Revised and 3833, Revised.
- RM2 Programming Revision and Scope Changes for the Real-Time Transit Information program. MTC Resolution No. 3708, Revised and 3722, Revised.
- Federal American Recovery and Reinvestment Act (ARRA): MTC Resolution No. 3896, Revised.

Federal

- *FY 2009-10 through FY 2011-12 Federal Transit Administration (FTA) Sections 5307 and 5309 Fixed Guideway Programs and matching AB 664 Bridge Toll Program. MTC Resolution Nos. 3916 and 3917.*
- *Transportation Improvement Program (TIP) Amendment 09-23. MTC Resolution No. 3875, Revised.*

Anne Richman, Programming and Allocations Section, described FTA Formula funds which support transit capital replacement and rehabilitation projects, and recommended the programming of approximately \$1.1 billion for FY 2009-10 through FY 2011-12 as an amendment to the region's 2009 Transportation Improvement Program and

approximately \$11 million in FY 2009-10 AB 664 funds to serve as matching funds for the FTA formula funds.

Chair Kinsey, asked for status on the readiness to roll-out TransLink® throughout the BART system. Dorothy Dugger, BART General Manager, stated that they are scheduled to complete the work needed to resolve the integration between TransLink® and BART's fare gates by the end of July and ready to begin a soft launch to customers before the end of summer 2009.

The Committee approved staff's recommendation to refer MTC Resolution Nos. 3916, 3917, and 3875 to the Commission for approval.

- *Federal American Recovery and Reinvestment Act (ARRA) Project Delivery Update.*

Alix Bockelman, Programming and Allocations Section, updated the Committee with a project delivery status report of the Tier 1 projects. On the transit side, nearly 80% of the funds have been obligated and on the streets and road side, 91% has been obligated.

Staff will continue to monitor project delivery and will report back in the fall on contract award for these projects.

Commissioner Dodd, provided staff with a written report from Napa County demonstrating their compliance with the required deadlines.

Regional

- *FY 2009-10 Fund Estimate Revision and allocation of \$35 million in Transportation Development Act (TDA) funds, \$2 million in State Transit Assistance (STA) funds and \$28 million in AB 1107 funds for FY 2009-10 to various claimants in the region. MTC Resolution Nos. 3886, Revised; 3900, Revised; 3901, and 3902, Revised.*

Theresa Romell, Programming and Allocations Section, presented the Committee with details on the FY 2010 fund estimate revision to true-up the estimates with actual revenue received for FY 2009 and FY 2010 transit allocations.

The Committee approved staff's recommendation to refer MTC Resolution Nos. 3886, Revised; 3900, Revised; 3901; and 3902, Revised to the Commission for approval.

- *Oakland Airport Connector (OAC) Funding Actions. MTC Resolution Nos. 3885, Revised; 3884, Revised; 3834, Revised; and 3801, Revised.*

Anne Richman, Programming and Allocations Section, presented recommended changes to the RM2 Program that would reassign \$37 million in RM2 funds from the Tube Retrofit project to the Airport Connector project.

Carol Ward-Allen, member of the BART Board of Directors, requested the Committee's support of the staff recommendation explaining that the OAC project would be valuable to Oakland because it is a prime stimulus project, selected by the nine county region and is the only project that is ready to provide jobs and stimulate the region's economy.

Tom Dunscombe, Donald Dean, and Thomas Hornton, BART staff, provided an overview of project status for both the OAC and the Transbay Tube Seismic retrofit with an emphasis on responding to questions raised at the June Programming and Allocations Committee meeting.

Thomas Blalock, BART Board President, expressed his support of the OAC project, explaining that this project is a growth project for the region and provides economic growth for the Oakland Airport, as well as jobs for the people of the community.

Public Hearing

The Programming and Allocations Section Committee held a public hearing for consideration of the reassignment of Regional Measure 2 (RM2) funding from the BART Transbay Tube Seismic Strengthening project to the BART Oakland Airport Connector project. Chair Kinsey reserved action of this agenda item to the full Commission on July 22nd for formal adoption of the RM2 amendment and the other funding actions related to the OAC.

The Committee heard from several public speakers. The public hearing speakers included: *Stuart Cohen, Executive Director, TransForm*, spoke in opposition of the OAC project stating that air passenger ridership has plummeted and will continue to plummet and that a rapid bus would better serve the corridor. He also stated that BART is critical for the region and limited transportation funds should be directed to address needs and shortfalls on the existing system.

Larry Reid, City of Oakland Councilmember, District 7, presented a resolution in support of the OAC project and funds invested by the Oakland City Council. Mr. Reid reserved further comments until the July 22nd Commission meeting.

Steve Grossman, Director, Oakland International Airport, spoke in support of the OAC project stating that the Port of Oakland has been a long time supporter of the project and is currently a funding partner in the project. Mr. Grossman also commented that the bus service has poor reliability during traffic congestion which is expected to worsen.

Henry Gardner, ABAG, spoke in support of the OAC project, stating that the project benefits the entire region and will reduce vehicle traffic.

Christine Monsen, ACTIA, spoke in support of the OAC project, explaining that the project is consistent with ACTIA's expenditure plan and that voters have already approved this project twice as a reliable way to get to the Oakland Airport.

Dennis Fay, Alameda County CMA, spoke in support of the OAC project, commenting that the project is one of ACCMA's top five high priority projects and was selected based on long term travel behavior of people within the region.

Karen Engel, Oakland Metropolitan Chamber of Commerce, spoke in support of the OAC project, stating that the Chamber continues to be a strong advocate of the project representing hundreds of businesses located along the corridor of the project.

Paul Cohen, Northern California Carpenters, spoke in support of the OAC project, stating it will tie the Oakland Airport into the rest of the region and promotes good economic and social policy.

Michael Quigley, California Alliance for Jobs, spoke in support of the OAC project, stating that the project has green benefits and the ready-to-go project will quickly create jobs.

Sylvester Grisby, spoke in support of the OAC project, commenting that it will benefit the community by creating first class jobs and improving air quality.

Mark Lindquist, Associated General Contractors of California, spoke in support of the OAC project, commenting that the project will create much needed jobs in the community and that the project has been held up for far too long.

Peter Garza, Carpenters Local 713, spoke in support of the OAC project stating that there are currently over 300 carpenters out of work in the local 713 of which 67 are qualified Oakland residents.

General Sheppard, Northern California Carpenters, spoke in support of the OAC project and commented that there is high unemployment in the community and this project will bring them jobs.

Bob Allen, Urban Habitat, was in opposition of the OAC project, stating that a proper analysis needs to be completed by BART for the OAC project and that the current project does not comply with Title VI requirements.

Chris Miley, representing Rebecca Kaplan, City of Oakland Councilmember, commented that the community is concerned about the \$12 (roundtrip) fare and elimination of intermediate stops, which will be discussed at the July 14 Oakland City Council Public Works Committee meeting.

Jerry Grace, spoke in support of the OAC project.

Darrel Carey, East Bay Small Business Council, spoke in support of the OAC project, commenting that the project will bring jobs and badly needed investment to the community, and will benefit the region as a whole.

Jonathan Bair, City of Oakland Bicycle and Pedestrian Advisory Committee, spoke in opposition of the OAC project, stating that taking funds away from the Tube Seismic Retrofit project would be risky. He further commented that the Oakland City Council should have a full public hearing before the MTC Commission takes any action given the elimination of the intermodal stations.

Rich Hedges, TransForm and San Mateo County Sierra Club, spoke in support of the OAC project and commented that the current bus system to the Oakland Airport is not very accessible and does not meet green standards. OAC project will better connect the region, get the community back to work, and provide a smoother transportation system to the airport.

Rebecca Sulzman, East Bay Young Democrats, spoke in opposition of the OAC project, stating that the \$6 fare proposed in this project cannot be afforded and is double the current AirBART fare. She further commented that voters approved this project when there were intermediate stops and since that has changed, there is a lot of voter opposition.

Aaron Silverton, ATU 1555, BART, spoke in opposition of the OAC project stating that historically at BART, when there are cost overruns on the capital side, the money comes out of operations; and they would not like to see the cost escalate on this project to cost jobs at BART while creating jobs elsewhere.

Pejman Noroozi, ATU 1555, BART, spoke in opposition of the OAC project commenting that this project is not shovel ready and the costs continue to escalate. He further commented that the project has changed to eliminate intermediate stops and the project no longer saves time and money considering the changed route and the \$12 round trip fare.

There were several Commissioner comments which included:

Commissioner Daly commented that given the issues surrounding this project, specifically ridership estimates, which vary by large amounts, it is unfortunate that there is not an opportunity to further discuss those issues. He asked to be marked as a dissenter in terms of moving this item to the full commission.

Commissioner Haggerty commented that the Commission needs to have deference to the community that is being impacted and work with that community as visionaries. He further commented that politics need to be set aside to further this project which is needed today and several years from now. By doing so, we will be viewed as the generation that took the bold step for this much needed project.

Commissioner Rein-Worth commented that while she is in support of the project she was happy to hear comments from the public and she looks forward to receiving more clarification in preparation of the July Commission meeting.

Commissioner Chu requested more information from BART on ridership projections from 2001 versus the revised projections.

Commissioner Kinsey thanked the public, BART, and TransForm for their participation. He commented that when looking at a \$500 billion investment, the amount of time we spend is worth the effort and does illustrate that there is a partnership that has been developed over many years. He further stated that the transfer of RM2 dollars, a voter approved measure, is something to be taken very seriously and we want to be sure that we have the right solution. The challenge that we face is to make sure that the vision is survived and work in the realities of today.

The Committee referred, without recommendation, MTC Resolution Nos. 3885, Revised; 3884, Revised; 3834, Revised; and 3801, Revised to the Commission.

California Transportation Commission Update

The Committee received, in writing, updates on the California Transportation Commission (CTC) meeting held on June 10 and 11 in Sacramento.

Public Comment

Commissioner Kinsey adjourned the meeting at approximately 1:02 p.m.